



Bob Riley
Governor

Regina A. Dinger
Executive Director

Alabama State Board of Licensure for Professional Engineers and Land Surveyors

100 N. Union Street, Suite 382
Montgomery, Alabama 36104-3762

Mailing Address:
P.O. Box 304451
Montgomery, AL 36130-4451

Phone: (334) 242-5568
Toll Free: (866) 461-7640
Fax: (334) 242-5105
www.bels.alabama.gov

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Mr. Daniel R. Compagno
1520 Beckham Drive
Birmingham, AL 35209

Rule Number: 34-11-1(9)
330-X-2-.01(3)
330-X-11-.03(4)

General Question: Does the factual
situation described fall within the
definition of "Direct Control and
Supervision"

Dear Mr. Compagno:

This declaratory ruling of the Board of Licensure for Professional Engineers and Land Surveyors is issued in response to your petition.

QUESTION ONE

Whether an Alabama licensed professional engineer can review the work of another individual via email, internet or web based computer server and be considered in "direct control" and providing "personal supervision" according to the definition of Responsible Charge.

FACTS, LAW, AND ANALYSIS

Section 34-11-1(9), Code of Alabama, 1975 defines Responsible Charge as the direct control and personal supervision of engineering work.

Section 330-X-2-.01(16) of the Board's *Administrative Code* also defines "Responsible Charge" as direct control and personal supervision of and legal responsibility for the engineering work performed. The responsible charge shall be of such a nature that the client may reasonably presume that the licensed engineer he has employed is the provider of the professional services.

Section 330-X-2-.01(3) of the Board's *Administrative Code* indicates that "direct control" and "personal supervision" is construed by the Board to mean that the licensed

professional engineer or land surveyor providing such supervision was in responsible charge of the engineering or land surveying work, shall have made decisions on technical matters of policy and design and shall have exercised his or her professional judgment in all engineering and land surveying matters that are embodied in the work.

In addition, Section 330-X-11-.03 (4) of the Board's *Administrative Code* states, that plans, plats, specifications, drawings, reports, or other documents will be deemed to have been prepared under the responsible charge of a licensee only when all of the following conditions have been met and documented:

- (a) The client requesting preparation of such documents makes the request directly to the licensee or a member or employee of the licensee's firm;
- (b) The licensee supervises the preparation of the documents and has input into their preparation prior to their completion;
- (c) The licensee reviews the final documents and;
- (d) The licensee has the authority to, and does, make any necessary and appropriate changes to the final documents.

CONCLUSION

Direct control and personal supervision can be accomplished as outlined in your petition provided the professional engineer providing the personal supervision and in direct control of the work can meet the purpose and intent of 330-X-2-.01(16), 330-X-2-.01(3) and the four requirements of Section 330-X-11-.03 (4) of the Board's *Administrative Code*.

QUESTION TWO

Whether an Alabama licensed professional engineer can stamp the work of another individual, physically located in a different office, and to what extent the person applying the stamp must review that individual's work so that he may be considered in "direct control" and providing "personal supervision" according to the Administrative Code of the Board.

Section 330-X-2-.01(16) of the Board's *Administrative Code* defines "Responsible Charge" as direct control and personal supervision of and legal responsibility for the engineering or land surveying work performed. The responsible charge shall be of such a nature that the client may reasonably presume that the licensed engineer or land surveyor he has employed is the provider of the professional services.

Section 330-X-2-.01(3) of the Board's *Administrative Code* indicates that "direct control" and "personal supervision" is construed by the Board to mean that the licensed professional engineer or land surveyor providing such supervision was in responsible charge of the engineering or land surveying work, shall have made decisions on technical matters of policy and design and shall have exercised his or her professional judgment in all engineering and land surveying matters that are embodied in the work.

Section 330-X-11-.03(1) of the Board's *Administrative Code* states, the seal, signature and date of the signature on a document signifying that the document was prepared by the licensee or under his or her direct control and personal supervision, or that the licensee has reviewed the document in sufficient depth the fully coordinate and assume responsibility for the documents prepared by another licensed professional engineer or land surveyor.

In addition, Section 330-X-11-.03 (4) of the Board's *Administrative Code* states, that plans, plats, specifications, drawings, reports, or other documents will be deemed to have been prepared under the responsible charge of a licensee only when all of the following conditions have been met and documented:

- (a) The client requesting preparation of such documents makes the request directly to the licensee or a member or employee of the licensee's firm;
- (b) The licensee supervises the preparation of the documents and has input into their preparation prior to their completion;
- (c) The licensee reviews the final documents and;
- (d) The licensee has the authority to, and does, make any necessary and appropriate changes to the final documents.

CONCLUSION

The sealing of engineering work performed by an individual physically located in a different office than the supervising individual is possible if the licensed professional engineer providing personal supervision and in direct control of the work can meet the purpose and intent of 330-X-2-.01(16), 330-X-2-.01(3), 330-X-11-.03 (1) and the four requirements of Section 330-X-11-.03 (4) of the Board's *Administrative Code*.


William C. Ulrich, Jr., P.E.
Chair